G. R. S. IX-5]

Previous references.

File No. 34-24

1922

Serial Nos 1

(Sanitary)

Later references.

GENERAL AND REVENUE SECRETARIAT.

P-6/E

Serial Nos.

Part B for May 1922

SUBJECT.

Copy of Sanitary Comm's Circular letter on the subject of regularising the duties of Sanitary Inspectors under the various sections of the Municipal & Village Sanitation Regulations.

Papers filed

WD 1888—GPB—16,826—23-7-21

No. C 509-19
Enc 3

OFFICE OF THE SANITARY COMMISSIONER
WITH THE GOVERNMENT OF MYSORE

Bangalore, dated 1922

From

A. K. RANI, Esq., D. P. H., Etc.,
Sanitary Commissioner with the
Government of Mysore,
Bangalore.

To

C. Venkata Rao, Esq., B.A.,
Secretary to the Government of Mysore,
Revenue Department, BANGALORE.

SIR,

I have the honor to submit herewith, for the information of Government a copy of my Circular letter No. C. 509-2 dated the 23rd Ultimo, together with copies of enclosures, on the subject of regularising the duties of Sanitary Inspectors with particular reference to the abatement of nuisances in and around dwellings under the various sections of the Municipal and village sanitation Regulations.

I have the honor to be,

Sir,

Your most obedient servant.

Sanitary Commissioner.

29953

WD 0245—GPB—6,00,000—14-7-16—S.

191

From

The Sanitary Commissioner
in Mysore,
Bangalore.

REVENUE & JUDICIAL SECTT.
L377
9 JAN 1922
LOCAL SELF GOVT.
BRANCH.

To

The Rev. Secretary to
Government of Mysore.

Dated 7. 1. 22

Despatched 7 1 22

Received

General No. C 509-19 REV SECT

No.

Enclosure No. 3 9 JAN 1922

Submitting copy of a circular letter to Deputy Commissioners on the subject of regularising the duties of Sanitary Inspectors.

Letter No.C509-2 dated the 23rd December 1921 from the Sanitary Commissioner in Mysore to the Deputy Commissioners of Districts.

9----------

In enclosing herein copy of my official Memorandum relating to the Issue of notices for the abatement of nuisances in rural and urban areas under the various sections of the Municipal and Village Sanitation Regulations, I have the honor to request that you will be so good as to issue needful strict instructions for the adoption of the memorandum.

2. To save time, copies of the memorandum have been despatched to the Municipalities and Taluk Boards in advance under this office Circular of even date, copy of which is also enclosed for information.

" C O P Y "

Sanitary Commissioner.

No. C. 509 Office of the Sanitary Commissioner with the Government of Mysore, Bangalore dated 23rd December 1921.

Circular memorandum.

Has the honor to forward herewith 2 copies of the memorandum relating to the issue of notices for abatement of nuisances in urban and rural areas and to request that one of the copies may kindly be communicated to the Sanitary Inspector for strict attention.

2. Necessary arrangement may be made so that the Sanitary Inspector submits the monthly statement regularly and punctually commencing from January 1922.

3. The Deputy Commissioner has been addressed intimating the despatch of ~~xx~~ advance copies of the memorandum and requesting the issue of the necessary instructions from his office.

4. The receipt of copies of memorandum and statements may kindly be acknowledged early.

" C O P Y "

Sanitary Commissioner.

To
The Presidents of Municipal Councils,
The Presidents of Taluk Boards.

OFFICIAL MEMORANDUM.

In the official memorandum issued from this office dated 20th March 1920, the essential duties of Sanitary Inspectors were outlined. Stress was laid on the fact that it is by the vigilance of the Sanitary Inspector that the local authority learns of the detailed sanitary wants of the area and that it is he who is responsible for securing the detailed application of remedies.

2. Since the issue of the memorandum, the Sanitary Commissioner has had occasion to inspect the progress consequent on the adoption of the procedure enjoined in the Memorandum. House-to-house inspections have been started in some Municipalities but the work is not methodically carried out. There seems to be no correct perception of the various items that should receive the attention of the Sanitary Inspector. Not accustomed to his proper sphere of work, he has little knowledge of the means he should employ for the removal of sanitary defects in and around dwellings or for the abatement of nuisances. Notices are, in a few cases, issued but their utility is lost as no subsequent endeavour is made to see that they are complied with.

3. It is therefore considered desirable to issue this explanatory note for the guidance of Sanitary Inspectors. The schedule attached indicates in a general manner the sanitary defects or nuisances which are most commonly met with in urban and rural areas and for the removal or abatement of which the Sanitary Inspector is held responsible. The section of the Municipal or the Village Sanitation Regulation which he should enforce in the event of non-compliance is noted against each item. The schedule is merely a general guide and is never intended to take the place of the Sanitation Regulations themselves. For the purposes of his work the Sanitary Inspector should acquire a *thorough grasp* of the Regulations and carefully consult them as often as necessary. **Want of familiarty with the Regulations will be considered as incapacity and accordingly reported to the President, District Board, for disqualifying for increments, etc.** A Sanitary Inspector should clearly understand that his chief duty is the abatement of nuisances and that he is primarily an *Inspector of Nuisances* for the area in his charge.

4. With a view to remove misapprehensions, it is well to repeat, what has been already pointed out in the previous memorandum, that the institution of legal proceedings for its own sake is the very last thing aimed at. Real work is gauged by the actual results of endeavour made to secure sanitary improvement, as revealed by the number of defects remedied and nuisances abated. Persuasive effort ought to be almost as often successful as when it is sought to create the impression that the legal power exists for enforcing compliance and it may, perhaps, be only in a small proportion of the cases that a good Sanitary Inspector may find it necessary to requisition the aid of the law. In such cases, there should be no hesitation whatever in strictly enforcing the legal provisions of the regulations, particularly when a nuisance is of a serious nature and when he knows that he has to wait in vain if he trusts only to persuasive methods.

5. A few *practical hints* likely to be useful are given below:—

(i) A general permission from the Municipal Council under Section 132 should, if not already obtained, be speedily secured, empowering the Sanitary Inspector to make house-to-house inspections. The Sanitary Inspector should seek and obtain without delay the orders necessary for the purposes of this section.

(ii) Sanctions for prosecutions may be accorded by the President on behalf of the Council, as will be evident from extracts from a Judgment of the Chief Court appended (Appendix II).

(iii) The Sanitary Inspector should carefully specify the offence and section as also the bye-laws if any, under Section 48, applicable in each case.

(iv) The Sanitary Inspector, in giving his evidence with regard to any proceedings which may have to be taken, should be perfectly certain of his facts and at

the time of making his inspections he should carefully make his notes in writing. The following is a useful form of entry:—

Date.
Premises inspected.
Owner.
Occupier.
General conditions of premises.—
(*a*) Cleanliness.
(*b*) Repair.
(*c*) Other defects (specifically).

He should maintain an inspection pocket book for recording the information. It is necessary that he should keep his books and all entries made in them in as neat a manner and containing as complete information as possible, so that they can be easily understood when it is necessary to make use of them.

(v) The Sanitary Inspector in charge of a Taluk should first find out whether the Mysore Village Sanitation Regulation has been introduced into all the villages as contemplated in Section 1 para (1). A list of such villages together with the date of introduction should be maintained as a permanent record. If the Regulation has not been introduced immediate action should be taken to have it introduced. This is essential to sustain legal proceedings.

6. Every month a statement in the accompanying form showing the progress of the action taken under the several health clauses of the regulation should be submitted by the Sanitary Inspector to the President of the Municipal Council or Taluk Board, as the case may be, **with a duplicate copy at the same time to the Sanitary Commissioner in Mysore**, through the President. This should be done regularly before the 10th of every month.

BANGALORE,
10th November 1921.

A. K. PANI,
Sanitary Commissioner.

MONTHLY STATEMENT.

Showing the progress of action taken under the Municipal Regulation..... for the abatement of nuisances in the town of.....during the month of.....192

1. Name of Sanitary Inspector.
2. Length of service in the Municipality.
3. Is he a full-time Inspector employed by the Municipality?

Nature of sanitary defect or nuisance taken up for action	Section of the Regulation	Notices issued during the month	Notices complied with	Prosecutions instituted
Total up to and including previous month ...	...			
1. Buildings :—				
Unauthorised constructions	96 and 97			
Setting back or setting forward to secure alignment.	92-3			
Encroachments	113,122			
2. Sanitation of dwellings:—				
Internal drains in new buildings	101			
Ruinous, dangerous, deserted or dilapidated buildings.	119 & 131			
Removal of rank vegetation on premises or vacant sites.	131-2			
Periodical cleansing and whitewashing of buildings.	132			
Dwellings unfit for human habitation ..	131,148			
3. Drains, privies and cesspools :—				
Connection of house drains to public drains ..	101			
Provision or improvement of privies ..	106-8			
4. Wells :—				
Maintenance of—in good repair (parapet walls, platform and drainage).	120			
5. Unsound Food	142			
6. Offensive trades	151			
7. Cattle nuisance :—				
In premises	129			
In public streets	137			
8. General nuisances :—				
Disused wells, pools, ditches or other stagnant water.	135			
Indiscriminate excavations of earth from sites or elsewhere within Municipal limits.	126			
Storage and removal of rubbish and nightsoil...	127,129 & 136			
Total for the month ..	...			

[Turn over

General Information—

(*a*) Is vaccination compulsory ?

(*b*) Total number vaccinated during the month by :—

(1) Sub-Assistant Surgeon.

(2) Taluk Vaccinator.

(3) Special Vaccinator, if any.

(*c*) If vaccination is compulsory, how may notices were issued under the regulation ?

(*d*) How many notices were complied with ?

(*e*) How many prosecutions were instituted ?

(*f*) Number of applications received for house-building licenses.

(*g*) Any under construction without license.

(*h*) Total number of houses under construction during the month.

(*i*) Number of house-to-house inspections made during the month.

(*j*) Number of nuisances or sanitary defects detected in the above during the month.

(*k*) Number of stagnant pools filled up or drained.

(*l*) Number of disused wells covered over airtight to prevent mosquitoes from breeding.

Station..... .....

Date..... . Sanitary Inspector.

Forwarded.

President.

Date.....

Note.—It should be particularly noted that every notice issued should result either in a speedy compliance with its terms or in the institution of further proceedings as prescribed by the Regulation. A notice should, in the event of non-compliance, be invariably followed up by further action.

MONTHLY STATEMENT.

Showing the progress of action taken under the Village Sanitation Regulation for the abatement of nuisances in the taluk of.....during the month of.....192 .

1. Name of Sanitary Inspector.....

2. Length of Service in the Taluk.....

Nature of sanitary defect or nuisance taken up for action	Section of the Regulation	Notices issued during the month	Notices complied with	Prosecutions instituted
Total up to and including previous month				
1. Buildings.—				
(*a*) Unauthorised construction	III (3)			
(*b*) Dismantling dilapidated buildings ...	III (5)			
(*c*) Removal of rank vegetation and of filth from premises; whitewashing of promises.	III (6)			
(*d*) Excavations dangerous to public health (pits, pools and disused wells).	III (7)			
2. Conservancy.—				
Abatement of nuisances relating to defective Privies and non-removal of contents.	III 10, 11 and 12.			
Abatement of nuisances near springs, streams or tanks.	III (13)			
3. Water-supply.—				
Protection of wells	IV 2 & 3			
Washing, bathing, etc., in sources of water-supply.	IV (6)			
4. Disposal of refuse: manure heaps	III (14)			
5. Insanitary condition of cattle sheds ...	III (15)			
6. Offensive trades	III (16)			
7. Sale of contaminated food	V (2 & 3)			
Total for the month ..				

[Turn over

General information—

1. Number of villages inspected by the Sanitary Inspector during the month.
2. Number of sanitary defects and nuisances detected and noted for action.
3. Number of stagnant pools filled up or drained.
4. Number of disused wells coverd over airtight to prevent mosquitoes from breeding.
5. Number of applications for house-building, received during the month.
6. Vaccination :—

Names of villages visited by the Sanitary Inspector uring the month	Distance from head-quarters	Date of last visit by the Vaccinator to the village	Date of Vaccinator's visit previous to the last visit	Number vaccinated during last visit	Number verified by Sanitary Inspector

Date

No....., dated the..... .....192 Sanitary Inspector.

Forwarded.

President.

Note.—It should be particularly noted that every notice issued should result either in a speedy compliance with its terms or in the institution of further proceedings as prescribed by the Regulation. A notice should, in the event of non-compliance, be invariably followed up by further action.

APPENDIX. I.

— Schedule outlining the responsibilities of the Local Sanitary Authority under the Municipal Regulation in respect of the most common sanitary defects and nuisances.

No.	Head	Section	Nature of responsibility
	I.—Construction and alignment of buildings.	96	1. New erections of, alterations in or additions to **buildings** to be duly authorised after obtaining a **plan** showing design, ventilation, drains, privies and the location of the building.
		95	2. Level of building should not be lower than will allow of the drainage thereof.
			3. The **building while under construction to be frequently inspected**, to have defects contrary to the provisions of the license amended or omissions supplied.
		92	4. Setting back of a building that projects beyond the regular line of a public street.
		93	5. Setting forward any building for improving the line of any public street.
		97	6. Unauthorised construction of hut or shed to be prevented.
		98	7. Improvements to existing huts, to avoid risk of disease in the neighbourhood.
	II.—Sanitation of dwellings.	101 (2)	1. Enforcing the effectual **drainage** of a new building before it is occupied.
		119	2. **Ruinous** or dangerous **buildings** to be taken down, made secure or repaired expeditiously.
		131 (3)	3. Dilapidated or deserted buildings required to be taken down and the materials removed.
		131	4. The owner or occupier of any building or land who suffers the same to be in a filthy and unwholesome state or overgrown with **rank vegetation** to be required to cleanse, clear or otherwise put the same in a proper state.
		132	5. Filthy buildings to be directed to be internally and externally **white-washed** or otherwise cleansed for sanitary reasons.

APPENDEX I—*contd.*

No.	Head	Section	Nature of responsibility
		113	6. Removal of projections or **encroachments** upon any public street or upon any drain or sewer in a street.
		122	7. Prevention of the building of any projecting structure in any public street or the deposit of merchandise in or over, upon any opend rain, gutter, etc., in the street.
		148	8. Abatement of overcrowding.
		131 (2)	9. Prohibiting the use of a building if unfit for human habitation.
	III.—Drains, privies and cesspools.	111	1. Opening up and inspection of drains.
		128	2. Abatement of nuisance arising from the discharge or soakage of sewage or other offensive matter from any building or land to any street or open space.
		101	3. Requiring undrained or improperly drained lands and buildings to be drained into some existing drain or sewer or a private covered cesspool. (Enforcing **connection** of **house drains** to public drains.)
		106	4. Directing the provision of suitable privies and cesspools in private dwellings or places of public resort. Removal of **nuisances** arising out of existing defective **privies.**
		107 & 108	5. Closure of any privy or cesspool which is incapable of being properly cleaned and of any drain if not adapted to the general sewerage of the Municipality.
		99	6. Ventilation of all covered sewers and drains, whether public or private.
	IV.—Provisions as to water.	120	7. Directing the maintenance in good repair of any **well** or other source of water-supply or its proper cleansing or its adequate **protection from contamination**, and, if the water is proved to be unfit for drinking, prohibiting its use altogether. Directing the drainage or removal otherwise from any land or premises, of any stagnant water injurious to health.

APPENDIX I—*concld.*

No.	Head	Section	Nature of responsibility
	V.—Unsound food	142	8. Inspection, seizure and destruction of unsound, perishable food and prevention of sale of adulterated articles of food or drink.
	VI.—Offensive trades.	151	9. Minimisation of nuisances arising out of dangerous or offensive trades.
	VII.—Nuisances from tethering cattle.	137 & 129	10. Prevention of tethering of cattle or other animals in any public street or place so as to obstruct traffic or to cause a nuisance. Abatement of nuisances from **cattle in dwelling houses.**
	VIII.—Infectious diseases prevention.	144	11. Vigilance in regard to actual or impending outbreaks of **epidemics** and adoption of measures as laid down in the Government Order for combating epidemics.
	IX.—Nuisances (General).	135	1. Abatement of nuisances arising from any pool, ditch, **disused well** or any waste or stagnant water, or (2) other offensive or injurious matter which is likely to endanger public health.
		126	2. Prohibition of the **removal of earth** or other material from the soil in any place if it is likely to be a source of nuisance or danger to public health.
		127	3. Prevention of deposit of dust, dung or ashes or filth of any kind in any street or in any drain in a street except at appointed places.
		129	4. Enforcing provision of proper receptacles for any dirt, dung, night soil, ashes or any noxious or offensive matter.
		136	5. Abatement of nuisance from the storage and use of night soil or other manure.
	X.—Miscellaneous provisions.	54	Registration of **vital statistics. Vaccination.**

A. K. PANI,
Sanitary Commissioner.

APPENDIX I—B.

Schedule outlining the responsibilities of the Local Sanitary Authority under the Village Sanitary Regulation in respect of the most common sanitary defects and nuisances.

No.	Head	Section	Nature of responsibility
	Buildings	III, Rules 3 and 4.	1. Enforcing permission to build houses and prescribing conditions as to **drainage, ventilation and privy** arrangements.
		III „ 5	2. Dismantling dilapidated or dangerous buildings.
		III „ 6	3. Enforcing the maintenance of any house, building or land in a clean or sanitary condition and free from **rank vegetation** (general cleansing and whitewashing of filthy premises to be insisted upon).
	Excavations	III „ 7 (a)	4. Prohibition of excavations within the village site. (Pits, stagnant pools, disused wells should be required to be filled in or drained or covered over airtight.)
	Conservancy	III „ 10, 11 and 12.	5. Cess pits or privy pits in front of the village or near a well or in other objectionable situations not to be allowed. **Abatement** of nuisance arising from defective construction of **privy** pits and non-removal of contents.
		III „ 13	6. Abatement of nuisances on the banks or in the beds of springs, streams or tanks.
	Water-supply	IV „ 2 & 3	7. Provision of **parapet walls to wells** and if used for drinking purposes, provision also of proper **platforms** sloping outwards.
		IV „ 6	8. Regulating washing, bathing, etc., in source of water-supply.
	Disposal of refuse....	III „ 14	9. Preventing the storage of **manure** otherwise than in places or receptacles assigned for its reception. Enforcing **removal of manure** at frequent intervals.
	Cattle sheds	III „ 15	10. Enforcing the sanitary condition of **cattle sheds.**
	Offensive trades	III „ 16	11. Regulating offensive trades.
	Unsound food	V „ 2 and 3.	12. Prohibiting persons afflicted with loathsome, infectious or contagious diseases to sell articles of food stuffs.
	Disposal of the dead	VI „ 2	13. Regulating the burial or the cremation of dead bodies.
	Epidemic prevention.	VII „ 1(*a*)	14. Enforcing **disinfection,** etc., of the infected houses in villages.

APPENDIX II.

NOVEMBER 1914.

FULL BENCH.

Revisional Criminal.

Before Miller, C. J., Chandrasekhara Aiyar and Paramasiva Aiyar, J. J.

Kanchappa and three others, Petitioners ..... (Accused).

Government of Mysore. *Vs.* Opponent (Complainant).

Mysore Municipal Regulation, VII of 1906—Sections 24, 142 and 161—Powers of the President of a Municipal Council to direct a prosecution for offences under Section 142.

Held that the President of Municipality has the power under section 24 of the Mysore Municipal Regulation to perform the acts which, by section 161, the Municipal Council is empowered to perform.

There was some amount of discussion before us as to whether the President of the Municipal Council is competent to direct a prosecution in the absence of an express delegation to him of such power under section 37 of the Regulation and the rules to be made under section 46 w(*a*). I am of opinion that so far as the President is concerned no express delegation in this matter is necessary, since section 24 makes it his duty, "subject to the rules of the Municipal Council at the time being in force, to perform such executive functions as may be performed by or on behalf of the Municipal Council over which he presides." That is to say, unless rules are passed limiting his powers it is the President that exercises all executive functions on behalf of the Municipal Council; he has a free hand in all cases where no special restrictions have been put upon him. Cf. Cummings Bombay District Municipal Manual, page 48. This I observe, was also the arrangement under the Bangalore Municipal Regulations of 1871, section II of which provided that "the entire executive power and responsibilities for purposes of these Regulations shall be vested in the President and, in his absence or under his control and in accordance with his orders, in the Vice-President" and "all executive acts which are hereinafter directed to be done by the Municipal Commissioners shall unless the contrary intention appears from the context, be done by the said President or Vice-President." The power to direct a prosecution or to order proceedings to be taken for the punishments of Municipal offences is clearly an executive function, and as such lies within the scope of the powers of the President, who may also depute one of the Vice-Presidents to exercise it under section 25.

The Full Bench expressed the following opinion :—

Opinion.—In our opinion the President has power under section 24 of the Regulation to perform the acts which, by section 161, the Municipal Council is empowered to perform.

By section 24 (*b*) the President is empowered to perform the executive function which may be performed by the Council and the function of directing a prosecution, it is now conceded for the purposes of this case, is one of them subject to such rules as are in force at the time; and that seems naturally to mean that in performance of the executive functions on behalf of the Council he must have regard to, and is bound by rules which may be in force but if there are no rules, then his power is not restricted. This we think is the correct construction of the section, and no authority has been cited to us against it; and it may be said to be confirmed by the fact that in the Bombay District Municipal Acts the corresponding section, which now runs almost in the same words as section 24 (*b*) of our Regulation, ran formerly in a different form, declaring the President could perform such executive functions of the Council as he might be empowered by rule to perform. If section 24 (*b*) ought to be construed as having the same effect the form of that Act would seem to have been superfluous and of no effect.

We think for these reasons that the President has power to order proceedings in these cases.

"Extracts."

A. K. PANI,

Sanitary Commissioner.

WD 1054—GPB—500—22-12-21